

one amino acid modification of said MART-1 sequence to enhance binding of peptide to an MHC molecule.

REMARKS

Applicants respectfully request favorable reconsideration in view of the herewith-presented amendments and remarks.

Claims 1-14 are pending in this application. The Examiner has indicated that claims 9-14 are allowable.

The Examiner has noted that the first line of the specification should make reference, to United States Patent application 08/417,174, to reflect the priority claimed in the executed Declaration. The specification has been amended so as to indicate that the instant application claims the benefit of applications 09/073,138, filed May 5, 1998, 08/417,174, filed April 5, 1995, and 08/231,565, filed April 22, 1994.

Claims 1-8 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner has objected to claims 1 and 2 for recitation of the term "derived" as being indefinite. Applicants respectfully disagree with this rejection. However, in order to facilitate prosecution of the instant application, applicants have amended the claims to address the Examiner's concerns. Reconsideration and withdrawal of this §112 rejection is respectfully requested.

Claim 2 has been rejected to under 35 U.S.C. 112, second paragraph for the use of the term, "enhance" as being relative and indefinite. Applicants respectfully disagree with this rejection.

The Examiner's attention is respectfully drawn to the specification on page 5, lines 28-31, wherein the peptides are defined as "peptides derived from the MART-1 protein sequence which have been modified to increase their immunogenicity or enhance induction of antimelanoma immune response

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by enhancing their binding to MHC molecules". From the specification and the standard definition of the term, one skilled in the art would interpret "enhance" as synonymous with to "facilitate" and/ or "increase". Therefore, the artisan would readily understand the meaning of this term. Applicants respectfully request reconsideration and withdrawal of the §112 rejection.

Claim 6 has been rejected under 35 U.S.C. §112, second paragraph over the recitation "analog". The term "analog" is not present in claim 6; rather the term is found in claim 7. For purposes of this response, applicants assume that the Examiner is objecting to the use of "analog" in claim 7. Applicants respectfully disagree with this rejection.

The Examiner's attention is respectfully drawn to the instant specification, on page 11, lines 32-34 through page 12, lines 1-4, wherein the term "analog" is defined as follows:

includ[ing] any polypeptide having an amino acid residue sequence substantially identical to the MART-1 sequence specifically shown herein ...in which one or more residues have been conservatively substituted with a functionally similar residue and which displays the functional aspects of the MART-1 antigen as described herein.

Therefore, the instant specification clearly defines analogs as polypeptides with one or more conservatively substituted residues that maintain the functional aspects of an MART-1 antigen. Thus, one skilled in the art would understand the meaning and scope of the term "analog" as claimed. Reconsideration and withdrawal of this §112 rejection of claim 7 is respectfully requested.

Allowance of the pending claims is respectfully requested. Early and favorable action by the Examiner is earnestly solicited.

No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4124US4.

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In the event that an extension of time is required, or which may be required in addition to that requested in a petition and for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2026-4245US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date:

Aug 22, 2000

By:

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